

-----X  
J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

ARLI RESTAURANT CORP., d/b/a ARLI  
RESTAURANT & BUFFET and JUAN A.  
ALMONTE,

Defendants.  
-----X

**VERIFIED ANSWER**

Case No.: 08-CV-02840

Defendants, ARLI RESTAURANT CORP., d/b/a ARLI RESTAURANT & BUFFET and JUAN ALMONTE, individually and as an officer, director, shareholder and/or principal, by their attorneys, JOSEPH A. ALTMAN, P.C., as and/or their answer to the Plaintiff's Complaint, sets forth and alleges the following:

1. Denies each and every allegation contained in the paragraphs of the Complaint marked, numbered, and designated "15", "16", "17", "18", "19", "20", "23", "27", "30", "31", "32", "34", "35" and "36".
2. Lacks sufficient knowledge and information to form a belief as to each and every allegation contained in the paragraphs of the Complaint, marked, numbered and designated "1", "2", "3", "4", "6", "7", "8", "9", "10", "11", "12", "13", "14", "22", "24", "25", "26", "29" and "33".
3. Defendants hereby incorporate by reference all of the allegations contained in paragraphs 1-2 above mentioned, as though set forth herein at length, as to each and every allegation contained in the paragraphs of the Complaint, marked, numbered and designated "21" and "28".

**AS AND FOR A 1ST AFFIRMATIVE DEFENSE**

6. That any claim or cause of action against these Defendants is improper, as the Plaintiff failed to commence suit against the Defendants within the appropriate statute of limitations; hence, the within action must be dismissed.

**AS AND FOR A 2ND AFFIRMATIVE DEFENSE**

7. That the individual Defendant is shielded by the "Corporate Veil" of the Corporate Defendant(s).

8. That the Plaintiff has failed to state and to set forth a claim with regard to piercing the Corporate Veil.

**AS AND FOR A 3RD AFFIRMATIVE DEFENSE**

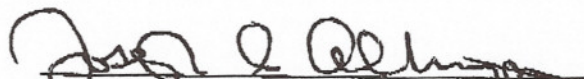
9. That the Plaintiff has failed to set forth a claim or cause of action against these answering Defendants, upon which any type of relief can be granted.

**AS AND FOR A 4TH AFFIRMATIVE DEFENSE**

10. That the Defendants relied upon the Plaintiff's agent with respect to securing the proper equipment and authorizations, with the Plaintiff then estopped from bringing the within action.

WHEREFORE, these answering Defendant(s) demand Judgment dismissing the within Action with costs and an assessment of reasonable legal fees against the Plaintiff re the defense of this action.

Dated: Bronx, New York  
May \_\_, 2008



Joseph A. Altman, Esq. (JAA #4290)  
Attorney for Defendant  
JOSEPH A. ALTMAN, P.C.  
1009 East 163rd Street  
Bronx, New York 10459

TO: Paul J. Hooten, Esq.  
Attorney for Plaintiff  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, New York 11766

S:\doCS\VALMONTE, JUAN A\ALL OTHER NOTICES\VERIFIED ANSWER.doc



UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

-----X  
J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

Case No.: 08-CV-02840

ARLI RESTAURANT CORP., d/b/a ARLI  
RESTAURANT & BUFFET and JUAN A.  
ALMONTE,

Defendants.  
-----X

VERIFIED ANSWER

ALTMAN AND ALTMAN, ESQS.

Attorney(s) for  
Defendant(s)

1009 East 163rd Street  
Bronx, N.Y. 10459  
(718) DA8-0422

Service of a copy of the within  
is hereby admitted.

TO:

Dated:

Attorney(s) for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named Court on

NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
within named court, at

of which the within is a true copy  
one of the Judges of the

On

at

M.

Dated:

Yours, etc.

Altman and Altman, Esqs.  
1009 East 163rd Street  
Bronx, N.Y. 10459

ATTORNEY'S CERTIFICATION

JOSEPH A. ALTMAN, ESQ., an attorney duly admitted to the Courts of the state of New York, hereby certifies that the annexed, Verified Answer is, to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR.



## STATE OF NEW YORK, COUNTY OF BRONX

SS: I, the undersigned, an attorney admitted to practice in the courts of New York State,

Certification certify that the within  
by Attorney has been compared by me with the original and found to be a true and complete copy.  
Attorney's state that I am  
affirmation the attorney(s) of record for petitioner in the within  
 action. I have read the foregoing  
 and know the contents thereof; the same  
 is true to my knowledge, except as to the matters therein  
 alleged to be on information and belief, and as to those matters I believe it to be true.  
 The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

DATED:

The name signed must be printed beneath

## STATE OF NEW YORK, COUNTY OF BRONX

SS:

I, the undersigned, being duly sworn, depose and say: I am

X Individual in the action, I have read the foregoing Verified Answer  
verification and know the contents thereof; the same is true to my own  
 knowledge, except as to the matters therein stated to be alleged on information and belief,  
 and as to those matters I believe it to be true.  
X corporation the President of ARLI RESTAURANT CORP. d/b/a ARLI RESTAURANT & BUFFET et al.  
verification a domestic corporation corporation and a party in the within action; I have  
 read the foregoing Verified Answer and know the contents thereof; the same is true to my knowledge, except  
 as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This  
 verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

JOSEPH A. ALTMAN

Sworn to before me on the 13<sup>th</sup> day of May, 2008

No. 4805116

Qualified in Westchester County

*Juan A. Almonte*  
 The name signed must be printed beneath  
 JUAN A. ALMONTE

## STATE OF NEW YORK, COUNTY OF BRONX

ss: (If more than one box is checked - indicate after names type of service used)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at 2616 Roebling Avenue, Bronx, New York 10461

The undersigned Attorney and Counselor-at-law, duly admitted to practice law in the Courts of the State of New York, affirms, under the penalty of perjury that:

On May 13, 2008 I served the within Verified Answer  
X service by mailing a copy to each of the following persons as the last known address set forth after each name below.  
by mail  
Personal by delivering a true copy of each personally to each person named below at the address indicated. I know  
service on each person served to be the person mentioned and described in said papers as a party therein.  
an individual  
Service by by transmitting a copy to the following persons by FAX at the telephone number set forth after each name below  
electronic E-Mail address set forth after each name below, which was designated by the attorney for such purpose,  
means and by mailing a copy to the address set forth after each name.  
Overnight by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after  
Delivery each name below.  
Service

Paul J. Hooten, Esq.  
 5505 Nesconset Highway, Suite 203  
 Mt. Sinai, New York 11766

Sworn to before me on the 13<sup>th</sup> day of May, 2008

*Lydia Aponte*  
 Affirmed the 13<sup>th</sup> day of May, 2008

Joseph A. Altman  
 Notary Public, State of New York  
 No. 4805116  
 Qualified in Westchester County  
 Certificate Filed in Bronx County  
 Commission Expires July 31, 2010

*Lydia Aponte*  
 The name signed must be printed beneath  
 LYDIA APONTE